

# Notice of Allowability

Application No.

10/646,681

Examiner

Stanetta D. Isaac

Applicant(s)

LEI ET AL.

Art Unit

2812

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Interview Summary filed on 5/24/07.
2. ☒ The allowed claim(s) is/are 1,3,4,7,9-12,14,15,19-25,27,28,30 and 33-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All. b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

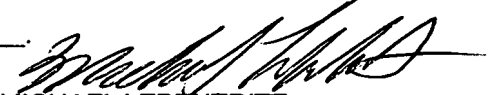
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 5/24/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**MICHAEL LEBENTRITT**  
SUPERVISORY PATENT EXAMINER

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael A. Bernadicou on 5/24/07.

The application has been amended as follows:

In claim 1, line 3, after "first dielectric film" insert—to a thickness greater than 3000 Å—

In claim 1, line 10, delete "GO1", and insert instead—GOI—

In claim 12, line 6, after "first dielectric film" insert—to a thickness greater than 3000 Å—

In claim 22, line 3, after "first dielectric film" insert—to a thickness greater than 3000 Å—

In claim 33, line 4, delete "the first dielectric film sufficiently thick to cover the surface roughness of the epitaxial germanium layer", and insert instead—to a thickness greater than 3000 Å;—

In claim 39, line 6, after "a first dielectric film" insert—to a thickness greater than 3000 Å—

In claim 39, line 6, delete "the first dielectric film sufficiently thick to cover the surface roughness of the epitaxial germanium layer"

Art Unit: 2812

In claim 44, line 4, delete “the first dielectric film sufficiently thick to cover the surface roughness of the epitaxial germanium layer”, and insert instead—to a thickness greater than 3000 Å—

### **REASONS FOR ALLOWANCE**

The following is an examiner’s statement of reasons for allowance:

The closest prior art of record, Reisman et al., US Patent 4,891,329, fails to show the following steps of:

Pertaining to independent claim 1 and 22,”forming a first dielectric film to a thickness greater than 3000 Å on top of the epitaxial germanium layer;”

Pertaining to independent claims 12 and 39,”forming a first dielectric to a thickness greater than 3000 Å on top of the rough surface;”

Pertaining to independent claims 33 and 44,”forming a first dielectric film on top of the epitaxial germanium layer to a thickness greater than 3000 Å,”

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stanetta D. Isaac whose telephone number is 571-272-1671. The examiner can normally be reached on Monday-Friday 9:30am -6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lebentritt can be reached on 571-272-1873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Stanetta Isaac  
Patent Examiner  
May 26, 2007

  
MICHAEL LEBENTRITT  
SUPERVISORY PATENT EXAMINER